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March 25, 2021

BY ELECTRONIC FILING

Hon. Madeline Cox Arleo
Martin Luther King Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Garreffi v. Hicks, et al.
Case No: 2:20-cv-16396-MCA-MAH

Dear Judge Arleo:

On March 4, 2021 Your Honor signed a Consent Order permitting extension of the Rule 4M period for service along with various relief including holding the pending motion for dismissal in abeyance pending the identification and service on new defendants, affording discovery for this purpose and permitting the filing of an amended complaint [DE 11].

The Order had provided dates for compliance in February 2021 which did not occur. There had been a transfer of the file to a new DAG who is working on providing the documents. Plaintiff cannot file an amended complaint by March 30, 2021.

The parties have conferred and agree on a slightly altered schedule allowing for an additional 30 days for service to be completed. A new Consent Order is enclosed for your review and approval.

Respectfully submitted,



SHELLEY L. STANGLER, ESQ.

SLS/mf

cc: Chanell M. Branch DAG- via email: Chanell.Branch@law.njoag.gov

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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NICHOLAS F. GARREFFI,

Plaintiff,

-vs-

MARCUS O. HICKS, ESQ., COMMISSIONER OF
THE NEW JERSEY STATE DEPARTMENT OF
CORRECTIONS, in his official and individual
capacities, FORMER NORTHERN STATE PRISON
WARDEN STEVEN JOHNSON, in his official and
individual capacities, "JOHN DOE")
ADMINISTRATOR of the NORTHERN STATE
PRISON, in his official and individual capacities,
CORRECTIONS OFFICER ALLEN, in his official
and individual capacities, SGT. HAMLETT, in his
official and individual capacities and
CORRECTIONS OFFICERS JOHN DOES 1-10, in
their official and individual capacities, (as yet
unidentified persons or corrections officers acting in
their official and individual capacities involved in the
oversight, management, monitoring, supervision and
care over GARREFFI and/or who had personal
involvement in the incident alleged in the complaint),

Defendants.

CIVIL ACTION

CASE NO: 2:20-CV-16396-MCA-MAH

CONSENT ORDER

This matter having been opened to the Court by way of Consent Order, and plaintiff Nicholas Garreffi appearing by counsel Shelley L. Stangler, P.C. (Shelley L. Stangler, Esq., appearing), and the defendant Marcus O' Hicks appearing by counsel, the Attorney General of the State of New Jersey (Chanell M. Branch, DAG, appearing), and the Court having reviewed the accompanying letter and considering the matter, good cause having been shown,

IT IS ON THIS _____ DAY OF _____, 2021,

ORDERED, as follows:

1. The Rule 4M period for service be and is hereby extended from February 15, 2021 to June 15, 2021 during which time the following shall occur:
2. By March 30, 2021 Defendant Marcus O'Hicks is to serve plaintiff counsel with discovery on the subject incident to include correction reports, investigation and supplementary reports and any Internal Affairs investigation for the purposes of identifying defendants; the parties to enter into an appropriate confidentiality Order;
- 3 Plaintiff is to file an Amended Complaint naming new defendants by April 30, 2021;
5. Plaintiff shall serve all defendants by June 15, 2021;
6. The present Motion to Dismiss filed by Defendant Marcus O'Hicks to be administratively terminated with the right to refile upon service within the period of time for a responsive pleading, and it is further

ORDERED, that a copy of this Order shall be served upon all parties in addition to the electronic filing service within 7 days of the date hereof.

**I HEREBY CONSENT TO THE FORM AND ENTRY
OF THIS ORDER:**

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SHELLEY L. STANGLER, ESQ.
Attorney for Plaintiff Nicholas F. Garreff

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R.J. Hughes Justice Complex
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Trenton, New Jersey 08625

/s/ Chanell Branch
ATTN: CHANELL M. BRANCH, DAG

Attorney for Defendants Marcus O. Hicks and
New Jersey Department of Corrections

SO ORDERED:

U.S.D.C.